

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

14-CA-203186

7/25/17

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer P&P Restaurants d/b/a McDonald's		b. Tel. No. (314) 544-5151
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 1420 Hampton Ave MO Saint Louis 63139-3116	e. Employer Representative (b) (6), (b) (7)(C)	g. e-Mail
		h. Number of workers employed 30
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurants	j. Identify principal product or service Fast Food	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

--See additional page--

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Carrie Budahn Title:
Mid-South Organizing Committee

4a. Address (Street and number, city, state, and ZIP code)

438 N Skinker Blvd
MO Saint Louis 63130-4894

4b. Tel. No.
(414) 380-2989

4c. Cell No.

4d. Fax No.

4e. e-Mail
carrie.budahn@showme15.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By Lauren Bonds
(signature of representative or person making charge)

Lauren Bonds Title:
(Print/type name and title or office, if any)

Tel. No.
(202) 251-6699

Office, if any, Cell No.
(202) 251-6699

Fax No.

e-Mail
lauren.bonds@seiu.org

1800 Massachusetts Ave NW
Address Washington DC 20036-

07/25/2017 10:11:16
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	Suspension	(b) (6), (b) (7)(C) 2017

Additional Information in Support of Charge

Charging Party Name : Carrie Budahn

Inquiry Number : 1-2027956571

Date Submitted : 07/25/2017 10:11:16

Please provide a brief description of the specific conduct involved in your charge. The information you provide may be viewed by the charged party in the event of a formal proceeding, so PLEASE DO NOT GIVE A DETAILED ACCOUNT OF YOUR CHARGE OR A LIST OF POTENTIAL WITNESSES AT THIS TIME. A Board Agent will contact you to obtain this and other detailed information after your charge is docketed. After you submit this E-Filed Charge form, you will receive a confirmation email with an Inquiry Number (Sample Inquiry Number: 1-1234567890) and a link to the E-Filing web page. You may use the link and the Inquiry number provided in the email to e-file any additional documents you wish to present in support of your charge.

Additional Information Provided:

No information provided.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

P&P RESTAURANTS D/B/A MCDONALD'S

Charged Party

and

MID-SOUTH ORGANIZING COMMITTEE

Charging Party

Case 14-CA-203186

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 27, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

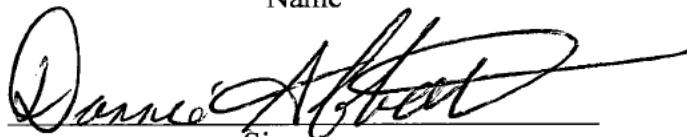
P&P Restaurants d/b/a McDonald's
1420 Hampton Ave
Saint Louis, MO 63139-3116

July 27, 2017

Date

Dannie Abbott, Designated Agent of
NLRB

Name



Signature

CHARGE ASSIGNMENT SHEET (EMPLOYER)

Case No. 14-CA- 203186		CASE NAME: P&P RESTAURANTS d/b/a MCDONALD'S	
DATE FILED: 7/25/17		CATEGORY: <input type="checkbox"/> I <input checked="" type="checkbox"/> II <input type="checkbox"/> III	
Potential 10(j) NO	8(a)(2) -- name of assisted union)	Number of 8(a)(3)'s	No. of Employees (if not on charge)
IO charge? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Dispute City: SAINT LOUIS Dispute State: MO	
COMMENTS:		<u>Bargaining Status:</u> <input type="checkbox"/> Existing Contract <input checked="" type="checkbox"/> None <input type="checkbox"/> Organizational Campaign <input type="checkbox"/> Seeking Initial Contract <input type="checkbox"/> Seeking Successor Contract	
SUPERVISOR: MJT		AGENT: RKB	
8(a)(1) <input type="checkbox"/> Coercive Actions (surveillance, etc) <input type="checkbox"/> Coercive Rules <input type="checkbox"/> Coercive Statements (threats, promises of benefits, etc.) <input checked="" type="checkbox"/> Concerted Activities (retaliation, discharge, discipline) <input type="checkbox"/> Denial of Access <input type="checkbox"/> Discharge of supervisor (Parker-Robb Chevrolet) <input type="checkbox"/> Interrogation (including polling) <input type="checkbox"/> Lawsuits <input type="checkbox"/> Weingarten		8(a)(4) <input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (including layoff and refusal to hire) <input type="checkbox"/> Discipline <input type="checkbox"/> Refusal to Reinstate Employee/Striker <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work	
8(a)(2) <input type="checkbox"/> Assistance <input type="checkbox"/> Domination <input type="checkbox"/> Unlawful Recognition		8(a)(5) <input type="checkbox"/> Alter Ego <input type="checkbox"/> Failure to Sign Agreement <input type="checkbox"/> Refusal to Bargain/Bad Faith Bargaining (including surface bargaining/direct dealing) <input type="checkbox"/> Refusal to Furnish Information <input type="checkbox"/> Refusal to Hire Majority <input type="checkbox"/> Refusal to Recognize <input type="checkbox"/> Repudiation/Modification of Contract (Section 8(d)/unilateral changes) <input type="checkbox"/> Shutdown or Relocate or Subcontract Work (e.g. First National Maintenance)	
8(a)(3) <input type="checkbox"/> Changes in Terms and Conditions of Employment <input type="checkbox"/> Discharge (including layoff and refusal to hire (not salting)) <input type="checkbox"/> Discipline <input type="checkbox"/> Lockout <input type="checkbox"/> Refusal to Consider/Hire Applicant (salting only) <input type="checkbox"/> Refusal to Reinstate ee/Striker (e.g. Laidlaw) <input type="checkbox"/> Retaliatory Lawsuit <input type="checkbox"/> Shutdown or Relocate/ Subcontract Unit Work <input type="checkbox"/> Union Security Related Actions		8(e) <input type="checkbox"/> All Allegations against a Labor Organization <input type="checkbox"/> All Allegations against an Employer	

Young, Harold L.

From: e-service@nlrb.gov <e-Service@service.nlrb.gov>
Sent: Tuesday, July 25, 2017 9:20 AM
To: DG-EFileChgPet-STL14
Subject: FW: Inquiry # 1-2027956571 Charge - CA

This is to notify you that a new Signed Charge Against Employer, Documentary Evidence Document(s) has been received by your office Region 14, Saint Louis, Missouri for Inquiry # 1-2027956571, Charge Type : CA.
You can access the document(s) filed by clicking on the link(s) in the Attachments section.

Date Submitted: 7/25/2017 9:11:24 AM (UTC-06:00) Central Time (US & Canada)

Dispute/Unit Location: Saint Louis, MO

Regional, Sub-Regional Or Resident Office: Region 14, Saint Louis, Missouri

Employer: P&P Restaurants d/b/a McDonald's

Charge Type: CA

Inquiry Number: 1-2027956571

Filing Party: Legal Representative

Name: Budahn, Carrie

Email: carrie.budahn@showme15.org

Address: 438 N Skinker Blvd
Saint Louis, MO 63130-4894

Telephone: (414) 380-2989

Fax:

Attachments: Signed Charge Against Employer: [CHG.1-2027956571.SignedChargeAgainstEmployer_Wiz.pdf](#)
Documentary Evidence: [DEV.1-2027956571.AdditionalInfoSupportingCharge.pdf](#)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlr.gov
Telephone: (314)539-7770
Fax: (314)539-7794



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July 27, 2017

(b) (6), (b) (7)(C)

P&P Restaurants d/b/a McDonald's
1420 Hampton Ave
Saint Louis, MO 63139-3116

Re: P&P Restaurants d/b/a McDonald's
Case 14-CA-203186

Dear (b) (6), (b) (7)(C):

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ROCHELLE K. BALENTINE whose telephone number is (314)449-7329. If this Board agent is not available, you may contact Regional Attorney MARY J. TOBEY whose telephone number is (314)449-7491.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board

July 27, 2017

agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Leonard J. Perez", with a stylized flourish at the end.

LEONARD J. PEREZ
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

P&P Restaurants d/b/a McDonald's

CASE NUMBER

14-CA-203186

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$		
H. Gross Revenues from all sales or performance of services (<i>Check the largest amount</i>) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

P&P RESTAURANTS D/B/A MCDONALD'S

Charged Party

and

MID-SOUTH ORGANIZING COMMITTEE

Charging Party

Case 14-CA-203186

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 27, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

P&P Restaurants d/b/a McDonald's
1420 Hampton Ave
Saint Louis, MO 63139-3116

July 27, 2017

Date

Dannie Abbott, Designated Agent of
NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlr.gov
Telephone: (314)539-7770
Fax: (314)539-7794



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July 27, 2017

Carrie Budahn
Mid-South Organizing Committee
438 N Skinker Blvd
Saint Louis, MO 63130-4894

Re: P&P Restaurants d/b/a McDonald's
Case 14-CA-203186

Dear Ms. Budahn:

The charge that you filed in this case on July 25, 2017 has been docketed as case number 14-CA-203186. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney ROCHELLE K. BALENTINE whose telephone number is (314)449-7329. If this Board agent is not available, you may contact Regional Attorney MARY J. TOBEY whose telephone number is (314)449-7491.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Qualifying for Backpay: We are just beginning to investigate your charge and no decision has been made regarding the merits of your case. However, it is important that employees who might be entitled to backpay because of loss of employment understand their obligation to look for work in order to qualify for backpay if your case has merit. Accordingly, we urge you to promptly provide the Board agent with the names and addresses of all employees who might be entitled to backpay as a result of the charge you filed.

If backpay is due to an employee, the Board requires that the employee offset the backpay by promptly beginning to look for another job in the same or similar line of work. The Board has held that a reasonably diligent employee should begin searching for interim work within 2 weeks after the employee's termination or layoff or a refusal to hire the employee. If an employee cannot establish that he or she actively tried to mitigate his or her losses, the amount of money owed to the employee might be reduced.

Employees who might be owed backpay should keep careful records of when and where they have sought employment and of job search expenses such as mileage, parking, and copying resumes. Specifically, they should keep a record of each time they attempt to find work, including the date, name of the company, name of person with whom they spoke, the position sought, and the response received.

Very truly yours,



LEONARD J. PEREZ
Regional Director

cc: Lauren Bonds
Service Employees International Union
1800 Massachusetts Ave NW
Washington, DC 20036



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlrb.gov
Telephone: (314)539-7770
Fax: (314)539-7794

Agent's Direct Dial: (314)449-7329

August 10, 2017

(b) (6), (b) (7)(C)

P&P Restaurants d/b/a McDonald's
4621 South Kingshighway
Saint Louis, MO 63109

Re: P&P Restaurants d/b/a McDonald's
Case 14-CA-203186

Dear (b) (6), (b) (7)(C):

I am writing this letter to advise you that it is now necessary for me to take evidence from you regarding the allegations raised in the investigation of the above-referenced matter. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence. As per your request, I have also attached a copy of the charge and the letter that we sent to 1420 Hampton Ave, St. Louis, MO 63139 at the time the charge was filed.

Allegations: The allegations for which I am seeking your evidence are as follows.

1. Since about the past (b) (6), (b) (7)(C), P&P Restaurants d/b/a McDonald's (the Employer) reduced the hours of its employee (b) (6), (b) (7)(C) in retaliation for engaging in union or other protected concerted activities. .
2. On about (b) (6), (b) (7)(C), 2017, the Employer suspended (b) (6), (b) (7)(C) in retaliation for engaging in union or other protected concerted activities.
3. On about June 29, 2017, (b) (6), (b) (7)(C) [last name unknown] told employees that (b) (6), (b) (7)(C) was sick of the Fight for \$15 and was sick of employees calling Fight for \$15 representatives.
4. On about (b) (6), (b) (7)(C), 2017, the Employer suspended (b) (6), (b) (7)(C) in retaliation for engaging in union or other protected activities.
5. The Mid-South Organizing Committee alleges that, based on the above, the Employer has violated Section 8(a)(1) and (3) of the National Labor Relations Act.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) [last name unknown], (b) (6), (b) (7)(C) [last name unknown] and any other individuals you believe have information relevant to the investigation of this matter. Please be advised that the failure to present representatives who

would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by **August 17, 2017** to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. A copy of the completed commerce questionnaire, attached.
2. For the period of August 1, 2016 to present, all time keeping records reflecting employees' hours worked.
3. For the period of August 1, 2016 to present, all posted employee schedules.
4. The Employer's position regarding whether employees were told that a supervisor was sick of the Fight for \$15 campaign and sick of employees calling the Fight for \$15 representatives on June 29, 2017.
5. For the period of August 1, 2016 to present, all documents, including but not limited to, memoranda, emails, correspondence, meeting notes, telephone notes and records, letters, text messages, MMS messages, and oral communication memorialized ("documents") reflecting internal Employer communications regarding employees' Union activities and/or communications with Union representatives.
6. A copy of ^{(b) (6), (b) (7)(C)} personnel file.
7. A copy of the Employer's handbook.
8. If not provided above, a copy of the Employer's progressive disciplinary policy.
9. If not provided above, a copy of all policies, procedures, and practices regarding employees calling in sick.
10. For the period of August 1, 2016 to present, copies of all disciplinary actions to employees for refusing a work assignment.
11. For the period of August 1, 2016 to present, copies of all recorded instances of employees refusing a work assignment.
12. For the period of August 1, 2016 to present, copies of all disciplinary actions to employees for calling in sick.
13. For the period of August 1, 2016 to present, copies of all recorded instances of employees calling in sick for a scheduled shift.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by **August 24, 2017**. If you are willing to allow me to take affidavits, please contact me by **August 17, 2017** to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlrb.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (314)449-7329, or e-mail, rochelle.balentine@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

Rochelle K. Balentine
Field Attorney



Fast Food <strike.evidence15@gmail.com>

Hampton McDonald's

1 message

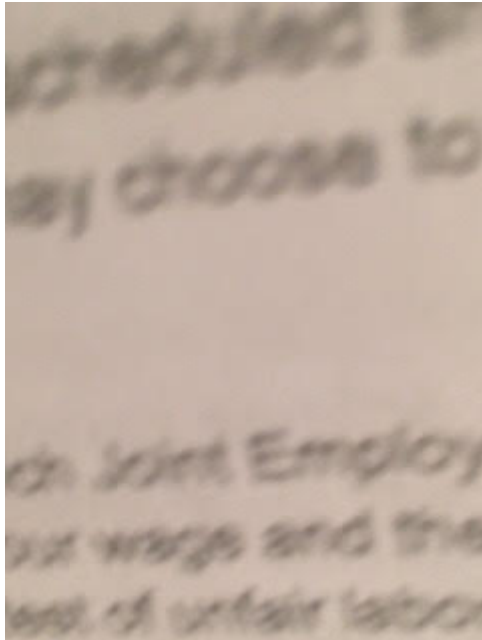
Renaye Manley <renaye.manley@seiu.org>

(b) (6), (b) 2016 at 8:35 PM

To: strike.evidence15@gmail.com

Cc: johnda.bentley@seiu.org, chg@schuchatw.com

(b) (6), (b) delivered strike notice to (b) (6), (b) (7)(C) with (b) (6), (b) (7)(C) (who works at location and ID (b) (6), (b) to the McDonald's 1420 Hampton St. Louis missouri



(b) (6), (b) (7)(C)



Sent from my iPhone

From: [Balentine, Rochelle K.](#)
To: [Lauren Bonds](#)
Subject: RE: P&P Restaurants
Date: Thursday, September 14, 2017 3:12:00 PM

Yes I am. I have it in my calendar. Thank you.

Rochelle Balentine, Field Attorney
NLRB, Region 14
1222 Spruce St., Rm. 8.302
St. Louis, MO 63103
Telephone: (314) 449-7329
Cell: (202) 701-4913
Fax: (314) 539-7794

****Please note my office number has changed.****

From: Lauren Bonds [mailto:lauren.bonds@seiu.org]
Sent: Thursday, September 14, 2017 8:44 AM
To: Balentine, Rochelle K. <Rochelle.Balentine@nlrb.gov>
Subject: Re: P&P Restaurants

Hi Rochelle,

Are you available to meet with (b) (6), (b) (7)(C) ?

Thanks

Lauren

On Fri, Sep 8, 2017 at 4:24 PM, Balentine, Rochelle K. <Rochelle.Balentine@nlrb.gov> wrote:

I am not available Tuesday afternoon the 12th and Monday the 19th. My schedule fills up as it gets closer to the day, so please let me know soon when (b) (6), (b) (7)(C) will be coming in. Thank you.

Rochelle K. Balentine, Field Attorney
NLRB Region 14
1222 Spruce Street, Rm. 8.302
Saint Louis, MO 63103
Work: [314-449-7329](tel:3144497329)
Cell: [202-701-4913](tel:2027014913)
Fax: [314-539-7794](tel:3145397794)

From: Lauren Bonds <lauren.bonds@seiu.org>
Sent: Friday, September 8, 2017 11:04:43 AM
To: Balentine, Rochelle K.
Subject: Re: P&P Restaurants

Hi Ms. Balentine,

(b) (6), (b) (7)(C) is willing to testify. We're trying to figure out (b) (6), (b) (7)(C) schedule for the (b) (6), (b) (7)(C).
Are there days you are not available?

Thanks

Lauren

On Thu, Sep 7, 2017 at 5:18 PM, Balentine, Rochelle K. <Rochelle.Balentine@nlrb.gov> wrote:

Ms. Bonds:

Has the Union been able to speak to (b) (6), (b) (7)(C) to get (b) (6), (b) (7)(C) cooperation with this investigation? Thank you.

Rochelle Balentine, Field Attorney
NLRB, Region 14
1222 Spruce St., Rm. 8.302
St. Louis, MO 63103
Telephone: [\(314\) 449-7329](tel:(314)449-7329)
Cell: [\(202\) 701-4913](tel:(202)701-4913)
Fax: [\(314\) 539-7794](tel:(314)539-7794)

****Please note my office number has changed.****

From: Lauren Bonds [mailto:lauren.bonds@seiu.org]
Sent: Wednesday, August 09, 2017 6:18 PM
To: Balentine, Rochelle K. <Rochelle.Balentine@nlrb.gov>
Subject: Re: P&P Restaurants

Hi Rochelle,

Please find attached strike notice confirmation for (b) (6), (b) (7)(C) action. This is the only notice we have on file. I will speak with the organizers re (b) (6), (b) (7)(C).

Thanks

Lauren

On Wed, Aug 9, 2017 at 4:30 PM, Balentine, Rochelle K.
<Rochelle.Balentine@nlrb.gov> wrote:

Lauren:

(b) (6), (b) (7)(C) doesn't have the dates where the Union gave a strike notice to the Employer with (b) (6), (b) (7)(C) name on it. (b) (6), (b) (7)(C) also says another employees was present when (b) (6), (b) (7)(C) was suspended who is involved with the Union, (b) (6), (b) (7)(C). I will need the Union to provide the strike notices and see if (b) (6), (b) (7)(C) will come in for an affidavit to testify to what (b) (6), (b) (7)(C) witnessed on the date of the suspension. Thank you.

Rochelle Balentine, Field Attorney
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Cell: [\(202\) 701-4913](tel:(202)701-4913)
Fax: [\(314\) 539-7794](tel:(314)539-7794)

****Please note my office number has changed.****

From: Lauren Bonds [mailto:lauren.bonds@seiu.org]

Sent: Thursday, August 03, 2017 12:08 PM

To: Balentine, Rochelle K. <Rochelle.Balentine@nlrb.gov>

Subject: Re: P&P Restaurants

Hi Rochelle,

That will work Thanks so much.

Best,

Lauren

On Thu, Aug 3, 2017 at 11:59 AM, Balentine, Rochelle K.
<Rochelle.Balentine@nlrb.gov> wrote:

Lauren:

We will have to do (b) (6), (b) (7) . Does (b) (6), (b) (7) work? Thanks.

Rochelle Balentine, Field Attorney

NLRB, Region 14
1222 Spruce St., Rm. 8.302
St. Louis, MO 63103
Telephone: [\(314\) 449-7329](tel:(314)449-7329)
Cell: [\(202\) 701-4913](tel:(202)701-4913)
Fax: [\(314\) 539-7794](tel:(314)539-7794)

****Please note my office number has changed.****

From: Lauren Bonds [mailto:lauren.bonds@seiu.org]
Sent: Thursday, August 03, 2017 7:27 AM
To: Balentine, Rochelle K. <Rochelle.Balentine@nlrb.gov>
Subject: Re: P&P Restaurants

Hi Rochelle,

Sorry for the delay. (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C) and we had some trouble reaching (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is available starting at (b) (6), (b) (7)(C) on the following days. Let me know if those dates won't work and I'll circle back.

(b) (6), (b) (7)(C)

Thanks

Lauren

On Wed, Aug 2, 2017 at 9:52 AM, Balentine, Rochelle K.
<Rochelle.Balentine@nlrb.gov> wrote:

Lauren:

Have you been able to get (b) (6), (b) (7)(C)' availability to provide (b) (6), (b) (7)(C) statement?
Thanks.

Rochelle Balentine, Field Attorney
NLRB, Region 14
1222 Spruce St., Rm. 8.302
St. Louis, MO 63103
Telephone: [\(314\) 449-7329](tel:(314)449-7329)

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Fax: [\(314\) 539-7794](tel:(314)539-7794)

****Please note my office number has changed.****

From: Balentine, Rochelle K.

Sent: Friday, July 28, 2017 11:02 AM

To: 'Lauren Bonds' <lauren.bonds@seiu.org>

Subject: P&P Restaurants

Lauren:

I got the new charge you filed. Thank you for doing so. I can be available (b) (6), (b) (7)(C) to take (b) (6), (b) (7)(C) affidavit. Please let me know what works for the Union and for (b) (6). Thanks!

Rochelle Balentine, Field Attorney

NLRB, Region 14

1222 Spruce St., Rm. 8.302

St. Louis, MO 63103

Telephone: [\(314\) 449-7329](tel:(314)449-7329)

Cell: [\(202\) 701-4913](tel:(202)701-4913)

Fax: [\(314\) 539-7794](tel:(314)539-7794)

****Please note my office number has changed.****

--

Lauren Bonds

Assistant General Counsel

Service Employees' International Union

1800 Massachusetts Avenue, NW 20036

Office: [\(202\) 730-7149](tel:(202)730-7149)

Cell: [\(202\) 251-6699](tel:(202)251-6699)

--

Lauren Bonds

Assistant General Counsel

Service Employees' International Union

1800 Massachusetts Avenue, NW 20036

Office: [\(202\) 730-7149](tel:(202)730-7149)

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--

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Assistant General Counsel
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--

Lauren Bonds
Assistant General Counsel
Service Employees' International Union
1800 Massachusetts Avenue, NW 20036
Office: (202) 730-7149
Cell: (202) 251-6699

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

P&P Restaurants d/b/a McDonalds
and

CASE 14-CA-203186

☒ REGIONAL DIRECTOR ☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570 ☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Charging Party


IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Geoffrey Leonard
MAILING ADDRESS:	1800 massachusetts Ave NW Washington DC 20036
E-MAIL ADDRESS:	geoffrey.leonard@seiu.org
OFFICE TELEPHONE NUMBER:	202-730-7327
CELL PHONE NUMBER:	202-251-3826
FAX:	
SIGNATURE:	
DATE:	09/26/17

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Date

(b) (6), (b) (7)(C)

Hours Scheduled

Hours Worked

Notes

(b) (6), (b) (7)(C)

Total

Total

Total

(b) (6), (b) (7)(C)

Total

Total

Total

Total

(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

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Total

Total

(b) (6), (b) (7)(C)

Total

Total

Total

Total

<u>Week Number</u>	<u>Hours Scheduled</u>	<u>Hours Worked</u>	<u>Shifts Not Worked</u>
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(b) (6), (b) (7)(C)			
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlr.gov
Telephone: (314)539-7770
Fax: (314)539-7794

October 24, 2017

GEOFFREY LEONARD
SERVICE EMPLOYEES INTERNATIONAL
UNION
1800 Massachusetts Avenue, N.W.
Washington, DC 20036

Re: P&P Restaurants d/b/a McDonald's
Case 14-CA-203186

Dear Mr. LEONARD:

We have carefully investigated and considered your charge that P&P Restaurants d/b/a McDonald's has violated the National Labor Relations Act.

Decision to Partially Dismiss: Based on the investigation, I have decided to dismiss the allegation in the charge that the Employer violated Section 8(a)(1) and (3) of the Act by suspending an employee because the employee engaged in a 1-day strike in support of the Fight for \$15 effort. The investigation revealed that the employee engaged in the strike approximately 7 months before the suspension. However, the day of the suspension, the employee refused to perform an assigned work task and was immediately suspended thereafter. In these circumstances the evidence is insufficient to establish that the employee was suspended because of union or protected concerted activity rather than the employee's refusal to perform an assigned task.

Decision to Partially Conditionally Dismiss: Based on the investigation, it appears that an alleged statement not specifically set forth in the charge, that the Employer stated it was sick of employees calling the Fight for \$15, may have merit. However, I have conditionally decided to dismiss this part of your charge 6 months from today because there have not been any meritorious charges against P&P Restaurants d/b/a McDonald's within the past several years, and because further proceedings would not effectuate the purposes and policies of the Act.

If a meritorious charge involving other unfair labor practices is filed against the Charged Party during that period, I will reconsider whether further proceedings on this charge are warranted.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **November 7, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **November 6, 2017**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before November 7, 2017**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **November 7, 2017, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required

October 24, 2017

by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/

LEONARD J. PEREZ
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
P&P RESTAURANTS D/B/A
MCDONALD'S
4621 S Kingshighway Blvd
Saint Louis, MO 63109-2928

DAVID P. FRENZIA, Attorney
THE LOWENBAUM
PARTNERSHIP, L.L.C.
222 South Central Ave., Ste. 900
St. Louis, MO 63105

CARRIE BUDAHN
MID-SOUTH ORGANIZING
COMMITTEE
438 N Skinker Blvd
Saint Louis, MO 63130-4894

hly

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 14
1222 SPRUCE ST
RM 8.302
SAINT LOUIS, MO 63103-2829

Agency Website: www.nlr.gov
Telephone: (314)539-7770
Fax: (314)539-7794

May 9, 2018

GEOFFREY LEONARD
SERVICE EMPLOYEES INTERNATIONAL
UNION
1800 Massachusetts Avenue, N.W.
Washington, DC 20036

Re: P&P Restaurants d/b/a McDonald's
Case 14-CA-203186

Dear Mr. LEONARD:

We have carefully investigated and considered your charge that P&P Restaurants d/b/a McDonald's has violated the National Labor Relations Act.

Decision to Dismiss: On October 24, 2017, I informed you I would dismiss this charge unless I decided that the Charged Party had committed additional violations of the Act that would make dismissal of your charge inappropriate. Since that has not happened, I am dismissing your charge.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **May 23, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than **May 22, 2018**. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before May 23, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after **May 23, 2018, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

/s/

LEONARD J. PEREZ
Regional Director

Enclosure

cc: (b) (6), (b) (7)(C)
P&P RESTAURANTS D/B/A
MCDONALD'S
4621 S Kingshighway Blvd
Saint Louis, MO 63109-2928

CARRIE BUDAHN
MID-SOUTH ORGANIZING
COMMITTEE
438 N Skinker Blvd
Saint Louis, MO 63130-4894

DAVID P. FRENZIA, Attorney
JACKSON LEWIS P.C.
222 S. Central Avenue, Suite 900
St. Louis, MO 63105

hly

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

Case Name: P&P Restaurants d/b/a McDonald's
Case No.: 14-CA-203186
Agent: Rochelle K. Balentine, FA

CASEHANDLING LOG

[illegible]

